

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Joseph Carnell Ballard

Docket No. 5:06-CR-32-4BO

Petition for Action on Supervised Release

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Joseph Carnell Ballard, who, upon an earlier plea of guilty to Bank Robbery and Aiding and Abetting; 18 U.S.C. §§ 2113(a) and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 11, 2006, to the custody of the Bureau of Prisons for a term of 46 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall make restitution, jointly and severally, to First Citizens Bank, 100 E. Tryon Road, Raleigh, NC, in the amount of \$1,306.

Joseph Carnell Ballard was released from custody on July 1, 2009, at which time the term of supervised release commenced. On April 12, 2011, supervised release was modified by the court via waiver requiring Ballard to serve a 7 day term of home confinement in response to a positive test for cocaine and marijuana on February 17, 2011.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On April 19, 2011, Ballard reported to the probation office for urinalysis and implementation of the 7 day home confinement sanction. Prior to submitting to urinalysis, the offender admitted he had used cocaine and marijuana on April 17, 2011. The offender has been actively participating in outpatient drug treatment since February 17, 2011, and reportedly desires to discontinue his use of illicit drugs. Based on Ballard's treatment efforts to date and considering his serious medical problems, it is recommended supervision be continued and the offender be sanctioned with an additional 60 days of home confinement, including electronic monitoring.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson
Dennis E. Albertson
Senior U.S. Probation Officer
413 Middle Street, Room 304
New Bern, NC 28560-4930
Phone: (252) 638-4944
Executed On: April 19, 2011

ORDER OF COURT

Considered and ordered this 20 day of April, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge